



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

☒ General Waiver

SUBJECT	
Request by Oakland Unified School District (OUSD) – Academic Performance Index (API) Waiver. Specifically, the OUSD requests a portion of Title 5 CCR Section 1032.5(d)(5), the 85% requirement in the number of test takers in history/social science to allow Oakland High School to be given a VALID base API for the (2003) year so that they will make Adequate Yearly Progress (AYP).	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent
Waiver Number: 135-3-2004	

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

On January 8, 2004, the Board, by unanimous vote, denied waiver CDSIS-10-11-2003 for Wasco Union High School District where less than 85% of the students took the history/social science CST portion of the California Standards Test.

SUMMARY OF KEY ISSUES

The Public Schools Accountability Act (PSAA) was based on educational needs of students, particularly that of improving student achievement. Increases or decreases in student achievement at a school are measured through the API. The Title 5 Regulation that the OUSD is asking to waive was specifically adopted by the State Board of Education (SBE) to protect the educational needs of the pupils by ensuring the validity of the API. This regulation requires that the Department of Education invalidate a school's API if the participation rate in any required content area test falls below 85%. SBE adopted this regulation to ensure that the API would be a valid measure of student achievement by requiring a minimum level of participation in each test included in a school's API.

The OUSD is requesting that Oakland High School receive a 2003 Base API, even though the school failed to meet the 85% criterion in the 10th and 11th Grade California Standards Tests in History-Social Science. The school district alleges that they mistakenly listed 11 ninth graders as tenth or eleventh graders on the test results and that if they were removed from the calculation the school would have tested more than 85% of their students in history/social science. The school district further contends that they did not meet the deadline for correcting demographic data for a number of reasons, including the fact that the entire school district administration was in the process of being reorganized under the newly appointed State Administrator.

The Department of Education recommends approval of this waiver. The Department

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has reviewed the data submitted by the school district and if OUSD had properly classified these 11 students as ninth graders, the school would have tested 85.0% of their students in social science.

The consequences of approving the waiver would be to allow Oakland High School to have a valid API Base and thus show growth on their 2004 API Growth Report. It will also give them the opportunity to meet AYP if they show one point of growth, even if their API remains below 560. If the Department denies the waiver Oakland High School will not be able to show growth in 2004 and will have to score above 560 on their API Growth Report to meet the 2004 AYP requirements for the API additional indicator.

On this basis, the Department is recommending approval of this waiver request.

Authority for Waiver: *Education Code* (EC) Section 33050

Bargaining unit(s) consulted on date(s): 2/19/2004

Position of bargaining unit(s) (choose only one):

☐

Neutral

☒

Support

☐

Oppose

Name of bargaining unit/representative(s): Sheila Quintana, President OEA

Public hearing identified by (choose one or more):

☒

posting in a newspaper

☐

posting at each school

☐

other (specify)

Public hearing held on date(s): 3/31/2004

Local board approval date(s): 3/7/2004

Advisory committee(s) consulted: None Provided

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: 3/04/2004

Period of request: None Provided

FISCAL ANALYSIS (AS APPROPRIATE)

No state fiscal impact is expected as a result of approving this waiver.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.